

REMARKS

Non-elected claims 20-28 have been canceled. Also, claims 4 and 5 have been canceled. Independent claims 1, 12 and 29 have been amended, along with dependent claims 2, 3, 8, 13 and 19. New claim 30 has been added.

In ¶ 3 of the office action, claims 1, 2 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,505,740 to Marlin et al. The Applicants traverse this ground of rejection for the following reasons.

The Marlin patent purportedly teaches a resealable package for containing an organic solvent or solution. However, the disclosure of Marlin contains an inconsistency involving the extract cited by the Examiner.

At column 5, lines 35-45, Marlin states that the preferred sheet material has an inner metal foil ply and a layer of polypropylene forming "at least one outermost layer of the laminate". That section further states that the propylene "provide[s] an effective odor barrier for highly volatile solvents".

However, two paragraphs later (col. 5, line 55 to col. 6, line 12), Marlin discloses a preferred embodiment

(with reference to Figure 3) in which the polypropylene layer is the innermost layer, which is completely inconsistent with the aforementioned section being cited by the Examiner.

A further inconsistency lies in the fact the laminated structure shown in Figure 3 of Marlin includes two gas-impermeable layers 54 and 64 respectively made of polyamide and polyester. Each of these gas-impermeable layers is inherently an odor barrier.

Thus, Marlin appears to teach that one or multiple layers of a laminate may be a barrier to odor. However, this does not meet Applicants' claim limitation, to wit, "odor-eliminating chemical agent". An odor barrier merely blocks the passage of molecules of an odorous substance therethrough. In contrast, the term "odor-eliminating", as defined on page 2 (ll. 1-3) means that at least some molecules of an odorous substance are adsorbed or absorbed by the material in question. Marlin does not disclose or suggest that any of its layers performs the function of adsorbing or absorbing molecules of an odorous substance. Nor has the Examiner cited to any teaching that polypropylene inherently possesses this property. At best, Marlin merely discloses a laminate have various layers that act as odor barriers to prevent the escape of odors from the

package. There is no disclosure of odor adsorption or odor absorption. Therefore, the Applicants respectively submit that amended claim 1, and claims 2 and 11 dependent thereon, are not anticipated by Marlin.

In the alternative, claims 1, 2 and 11 stand rejected under 35 U.S.C. § 103(a) as obvious over Marlin in view of U.S. Patent No. 4,861,632 to Caggiano. In particular, the Examiner asserts that, even if Marlin does not disclose an odor-eliminating chemical agent, it would have been obvious to incorporate such an agent in view of the teaching of Caggiano. The Applicants traverse this ground of rejection for the following reasons.

Marlin teaches a resealable package for containing an organic solvent or solution, i.e., the environment inside the package is wet. In contrast, Caggiano discloses a laminated bag "for storing or transporting a variety of products ranging from dry food-stuffs to electronic equipment where maintenance of a dry environment is a requirement (see Caggiano, Abstract, *emphasis added*). To maintain such dry environment, Caggiano teaches the provision of a layer of moisture-absorbing material, such as paper toweling or a desiccant. The Applicants respectfully submit it would not be

obvious to incorporate the moisture-absorbing inner layer of Caggiano inside a package the contents of which are in a liquid state, as is the case in Marlin. The inclusion of a moisture-absorbing layer inside a package that holds moisture would make no sense and would not have been obvious to do.

Accordingly, the Applicants respectfully submit the rejection of claims 1, 2 and 11 as being obvious over Marlin in view of Caggiano should be withdrawn.

In ¶ 4 of the office action, claims 3-5 and 29 stand rejected under 35 U.S.C. § 103(a) as obvious over Marlin in view of U.S. Patent No. 6,803,090 to Castiglione *et al.* The Applicants traverse this ground of rejection for the following reasons.

As applied to claim 3, this ground of rejection lacks merit for the same reasons, set forth above, that claim 1 is not anticipated by Marlin.

As applied to claim 29, the combination of Marlin and Castiglione would not have been obvious for the following reasons. Castiglione discloses a fluid transport tape that is designed to be adhered to a surface, e.g., of an airplane component. For the case wherein the surface is metallic.

Castiglione discloses that "a corrosion inhibiting agent may be included in the adhesive compositions associated with the fluid transport tape". The Applicants respectfully submit that Castiglione contains no suggestion that a corrosion inhibiting agent would have application in the inner layer of a resealable package designed to hold organic solvent or solution, not metal parts. Accordingly, the obviousness rejection based on Marlin and Castiglione lacks merit and overlooks the lack of motivation for modifying Marlin's package in the manner suggested by the Examiner.

In ¶ 5 of the office action, claims 8, 12, 13, 15, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as obvious over Marlin in view of U.S. Patent No. 6,735,781 to Fulmer. The Applicants traverse this ground of rejection for the following reasons.

As applied to claim 8, this ground of rejection lacks merit for the same reasons, set forth above, that claim 1 is not anticipated by Marlin.

As applied to claim 12 (and claims 13, 15, 18 and 19 dependent thereon), the Applicants respectively submit that neither Marlin nor Fulmer contain any suggestion that it would be desirable to include camouflage on a package designed to

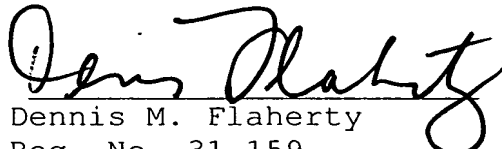
store organic solvents used for cleaning hard surfaces to remove traces of dirt, grease and oil. Accordingly, the Applicants submit that a *prima facie* case for obviousness has not been made and the rejection based on Marlin combined with Fulmer should be withdrawn.

Finally, in ¶ 6 of the office action, claims 9, 10, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as obvious over Marlin "as applied to claim 2" and further in view of Official Notice that it is known to provide a header with openings. The Applicants traverse this ground of rejection for two reasons. First, with respect to claims 8 and 9, which depend from claim 1, this ground of rejection lacks merit for the same reasons, set forth above, that claims 1 and 2 are not anticipated by Marlin. Second, with respect to claims 16 and 17, the rejection makes no sense because these claims do not depend from claim 2.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-3, 8-19, 29 and 30 are hereby requested.

Respectfully submitted,

November 17, 2006
Date


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November 17, 2006
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